



May 1, 2024

Via ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Albert v. United States of America*, 21 CV 4963 (HG) (VMS)

Your Honor:

I represent plaintiff Steven James Albert in the above-referenced matter. I write with defense counsel's consent to respectfully request an extension of expert discovery.

If it should please the Court, this is plaintiff's third request to extend the expert discovery deadline. Both previous requests were granted on consent, most recently by order dated February 27, 2024. *See* DE #26 and 27. The instant request comes despite what we respectfully submit are conscientious efforts by the undersigned and plaintiff to comply with the deadlines as established by this Honorable Court.

As indicated in plaintiff's first extension request at DE #26, in the interest of cost conservation plaintiff did not initially retain a medical expert with the hope that mediation might prove successful. When that did not happen, plaintiff then promptly sought an extension of the deadline and retained Sanjit Konda, MD. As indicated in our second letter motion at DE #27, mobility issues associated with plaintiff's advanced age complicated the scheduling of his physical examination by our retained expert. Following the Court's recent order extending the deadline for plaintiff's disclosures to May 4, 2024, Dr. Konda examined plaintiff on March 21, 2024. However, due to a miscommunication on the part of our office, Dr. Konda did not appreciate that he had been tasked to prepare a Fed. R. Civ. P. 26(a)(2)(B)-compliant report, while the undersigned had the misimpression that my staff had conferred with the expert's staff and that the report was being prepared.

When I discovered this error yesterday, I immediately contacted defense counsel who courteously consented to an extension; I then attempted to reach Dr. Konda to ascertain how quickly the report could be prepared. I await the expert's response. I have also already taken steps to ensure that the unfortunate confusion underlying the instant request does not reoccur.

In light of the foregoing, the undersigned respectfully requests leave to supplement the instant letter motion within one week (upon conferral of the undersigned with Dr. Konda) to seek such brief extension of the expert discovery schedule as will allow Dr. Konda to expeditiously prepare his report.

The undersigned does not take the Court's patience for granted and sincerely apologizes for the unintended delay he has caused in this matter.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Michael Gluck', with a long horizontal flourish extending to the right.

Michael Gluck

cc: Defense Counsel